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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, NORTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. SCOTT BRIAN HAVEN, Defendant.	1:19-cr-00060-CW STIPULATED MOTION TO CONTINUE JURY TRIAL AND TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT Judge Clark Waddoups
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Pursuant to DUCrimR 12-1(h), Scott Brian Haven, through counsel, Mark R. Moffat, hereby respectfully moves this Court for an order continuing the three day jury trial currently set for August 16, 2019 at 8:30 a.m., for 120 days, and to exclude time under the Speedy Trial Act clock between August 16, 2019 and the new trial date, pursuant to 18 U.S.C. § 3161(h)(7). The basis for this motion is set forth below.

1. Scott Haven was charged by way of an indictment filed on June 12, 2019 with one count of Interstate Transmissions of Threats to Injure, pursuant to 18 U.S.C § 875(c). (Doc.11). Mr. Haven appeared for an Initial Appearance/Arraignment/Pretrial Conference before United

States Magistrate Judge Paul M. Warner on June 13, 2019 and a three day jury trial was set to commence within 70 days on August 16, 2019. (Doc.17).

2. This is the first requested continuance in this case.

3. The trial in this matter is currently set to begin on August 16, 2019. (Doc.17).

4. The Defendant requests a continuance under 18 U.S.C. § 3161(h)(7), and asserts that the time requested is excluded under the Speedy Trial Act since the failure to grant such a continuance would deny the defendant the reasonable time necessary for effective preparation. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

a. Counsel has initiated an investigation of the facts and mitigation in this matter. Those efforts include a mental health evaluation that is, as of yet, incomplete. The evaluation has been delayed as counsel awaits the production of medical records.

5. Due to the time necessary to properly evaluate the current state of Mr. Haven's mental health and to complete ongoing investigations, counsel respectfully requests a continuance of 120 days.

6. The Defendant, Scott Brian Haven, has been advised of his constitutional right to a speedy trial under the Sixth Amendment, as well as his statutory right to a speedy trial under the Speedy Trial Act, and by and through Counsel herein, agrees to waive his speedy trial rights in order for Counsel to investigate Mr. Haven's medical history; to further engage in plea negotiations; and to be adequately prepared in the defense of this matter.

7. Under the circumstances of this case, the ends of justice outweigh the best interests of the Defendant and the public in a speedy trial; the denial of the continuance

would deny the Defendant and counsel for the Defendant the reasonable time necessary for effective preparation.

8. The interests of justice outweigh the interests of the defendant and the public in a speedy trial, and the continuance is necessary to insure adequate preparation by defense counsel under the circumstances of this case.

9. The intervening time between August 16, 2019, and the newly fixed trial date is excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B).

10. Counsel has discussed this request with Assistant U.S. Attorney Jennifer Gully who stipulates to this request.

DATED this 19th day of July, 2019.

/s/ Mark R. Moffat

MARK R. MOFFAT

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of July, 2019, I electronically filed the foregoing *Stipulated Motion to Continue Jury Trial and to Exclude Time Under the Speedy Trial Act* with the Clerk of Court using the CM/ECF system which sent notification of such filing to all parties and co-defendants.

/s/ Levi Barrett